

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO.473 OF 2019

M/s.Bisleri International Pvt. Ltd. .. Petitioner.
Vs.
Pimpri Chinchwad Mathadi And
Unprotected Worker Board & Ors. .. Respondents.

Mr.Shailesh S.Pathak for the Petitioner.
Mr.Meelan Topkar for the Respondent No.1.
Ms.Vaishali Nimbalkar AGP for the Respondent No.2.
Mr. Nitin Kulkarni for the Respondent No.3.

CORAM : A.K. MENON, J.

DATED : 16TH JANUARY, 2019

P.C. :

1. The challenge in this petition is to the recovery notice of Rs.7,45,945/-.
The urgency shown is that the Tahsildar – respondent no.2 has issued notice of attachment. Physical attachment has not been levied. The challenge is only to the order of deposit.
2. Considering the fact that the impugned order was passed on 3rd March, 2018 and the notice issued by the Tahsildar is on 25th September, 2018, there is no reason to interfere at this stage. Learned counsel for the petitioner states that the order dated 8th February, 2018 was passed ex-parte. In the circumstances, it is appropriate

that the petitioner be given an opportunity of being heard. This statement by the petitioner is controverted by Mr.Topkar, learned counsel appearing on behalf of the respondent-Board who states that a representative of the petitioner was present.

3. However, considering the fact that there is nothing to show that oral submissions were made, it appears that the petitioner could not avail of an opportunity of being heard. In the circumstances, this petition be disposed with the following order :

(a) Subject to deposit of the amount of Rs.7,45,945/- by the petitioner as per Exhibit-FF within a period of two weeks, the order dated 8th February, 2018 is hereby set aside and the attachment order shall stand withdrawn.

(b) If the deposit is not made, the attachment shall stand. If the amount is deposited, the same will not be permitted to be withdrawn unless the petitioner is heard on the application. The petitioner shall not seek unnecessary adjournments.

(c) The petition is disposed in the aforesaid terms.

(A.K. MENON,J.)